

550 New

COMPLAINT BY A PRISONER UNDER THE CIVIL RIGHTS ACT, 42 U.S.C §§ 1983

Name Kekaula Kwame N
 (Last) (First) (Initial)

FILED

FEB - 5 2008

Prisoner Number F-95496

Institutional Address Wasco State Prison

P.O. Box 5500 Wasco, CA 93280

RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

Kwame Nkumah Kekaula
 (Enter the full name of plaintiff in this action.)

vs.

Joel Lueria,
Edward R Jagels
The City of Bakersfield

(Enter the full name of the defendant(s) in this action))

CV

08

0812

Case No. _____
 (To be provided by the clerk of court)

**COMPLAINT UNDER THE
 CIVIL RIGHTS ACT,
 42 U.S.C §§ 1983**

E-filing

[All questions on this complaint form must be answered in order for your action to proceed..]

I. Exhaustion of Administrative Remedies

[**Note:** You must exhaust your administrative remedies before your claim can go forward. The court will dismiss any unexhausted claims.]

A. Place of present confinement Wasco State Prison

B. Is there a grievance procedure in this institution?

YES () NO (X)

C. Did you present the facts in your complaint for review through the grievance procedure?

YES () NO (X)

D. If your answer is YES, list the appeal number and the date and result of the

08-812-774

1 appeal at each level of review. If you did not pursue a certain level of appeal,
2 explain why.

3 1. Informal appeal _____
4 _____
5 _____

6 2. First formal level _____
7 _____
8 _____

9 3. Second formal level _____
10 _____
11 _____

12 4. Third formal level _____
13 _____
14 _____

15 E. Is the last level to which you appealed the highest level of appeal available to
16 you?

17 YES () NO (X)

18 F. If you did not present your claim for review through the grievance procedure,
19 explain why. There is no grievance procedure.
20 _____
21 _____

22 II. Parties

23 A. Write your name and your present address. Do the same for additional plaintiffs,
24 if any.

25 Kwame Nkumah KekuLA

26 H-3, 168 Low

27 P.O. Box 9900 Wasco, CA 93280-9900

28 B. Write the full name of each defendant, his or her official position, and his or her

place of employment.

Joel Luera, Bakersfield Police Officer, Bakersfield Police Department
 EDWARD R JAGELS, District Attorney, Bakersfield District Attorney Office
 The City of Bakersfield, California

III.

Statement of Claim

State here as briefly as possible the facts of your case. Be sure to describe how each defendant is involved and to include dates, when possible. Do not give any legal arguments or cite any cases or statutes. If you have more than one claim, each claim should be set forth in a separate numbered paragraph.

1. ON May 13th, 2005, Police Officer Joel Luera badge #809, violated my 4th & 14th Amendment Constitutional Guarantees by unlawfully searching my place of Residence without a Search Warrant or exigent circumstances. Officer Luera (#809) unlawfully seized a quantity of a controlled substance and two thousand and forty-five dollars (\$2,045)

2. On or About May 31, 2005, District Attorney EDWARD R. JAGELS, Bakersfield, CA Filed a complaint case #BF110471 alleging 2 counts of possession of a controlled substance. District Attorney EDWARD R. JAGELS did conspire together with Police Officer Joel Luera and the Bakersfield Police to violate my 4th & 14th U.S. Constitutional guarantees

3. Back of this paper (turn over)

IV. Relief

Your complaint cannot go forward unless you request specific relief. State briefly exactly what you want the court to do for you. Make no legal arguments; cite no cases or statutes.

I pray for the honorable Judge render a judgement

3. On or About MAY 31, 2005, District Attorney EDWARD R Jagels, Police Officer Joel Luera acting in the color of authority of the city of BAKERSFIELD did conspire to violate my 4th + 14th Amendments U.S. Constitutional Guarantee.

1 to overturn my conviction After granting my P.C 1538.5 Suppression
2 Motion to protect my Constitutional guarantees (4th Amendment)
3 I pray For the honorable Judge to grant me 10 million
4 dollars (\$10,000,000) in damages and pain and suffering
5 caused by the conviction and incarceration

6
7 I declare under penalty of perjury that the foregoing is true and correct.

8
9 Signed this January day of 31st, 2008

10
11 Kwame Kekaula

12 (Plaintiff's signature)
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I, Kwame Kekaula

DECLARE UNDER PENALTY THAT

I AM THE Defendant IN THE ABOVE ENTITLED ACTION. I AM SENDING THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF, TO BE TRUE, EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION AND AS TO THOSE MATTERS I BELIEVE THAT THEY ARE TRUE.

EXECUTED THIS JAN DAY OF 31st, 20 08, AT WASCO STATE PRISON, WASCO, CALIFORNIA 93280

Kwame Kekaula

SIGNATURE OF DECLARANT/PRISONER

PROOF OF SERVICE BY MAIL

(C.E.P. section 1013(a) & 2015.5; 2U.S.C.A. section 1746)

I, Kwame Kekaula AM A RESIDENT OF WASCO STATE PRISON, STATE OF CALIFORNIA: I AM OVER EIGHTEEN (18) YEARS AND AM/ARE THE DEFENDENT IN THE ABOVE ENTITLED ACTION. MY STATE PRISON ADDRESS IS: WASCO, CALIFORNIA 93280

EXECUTED THIS JAN DAY OF 31st, 20 08, I SERVED THE FOREGOING;

§ 1983 Action

(SET FORTH EXACT TITLE OF DOCUMENTS SERVED)

ON THE PARTIES HEREIN BY PLACING A TRUE COPY(S) THEREOF ENCLOSED IN A SEALED ENVELOPE WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX AT WASCO STATE PRISON, WASCO, CALIFORNIA 93280 OR WAS PICKED UP BY CORRECTIONS IN CHARGE OF PICKING UP MAIL ADDRESSED AS FOLLOWS:

P.O Box 9900H-3, 168 lowWasco, CA 93280-9900

THERE IS MAIL SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE SO ADDRESSED.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE.

DATED: JAN 31st, 20 08.

Kwame Kekaula

SIGNATURE OF DECLARANT/PRISONER

13

THOMAS KEKUALA F-95496

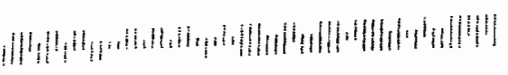
H-3, 168 Low

P.O. Box 9900

WASCO, CA

93280-9900

WASCO STATE PRISON



RECEIVED

FEB - 4 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

[Handwritten signature]

Clerk of the United States
Court for the Northern
California

450 Golden Gate
Box 36060